

**SUPREME COURT MINUTES
FRIDAY, JULY 13, 2012
SAN FRANCISCO, CALIFORNIA**

S203952

**SAN DIEGO, CITY OF v.
PUBLIC EMPLOYMENT
RELATIONS BOARD (SAN
DIEGO MUNICIPAL
EMPLOYEES
ASSOCIATION)**

Petition for writ of mandate/prohibition & application for stay denied
Cantil-Sakaue, C. J., was absent and did not participate.

S045423

**PEOPLE v. SANCHEZ-
FUENTES (EDGARDO)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Corey J. Robins's representation that he anticipates filing the respondent's brief by January 15, 2013, counsel's request for an extension of time in which to file that brief is granted to September 14, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

S086355

**PEOPLE v. LEWIS, SR.,
(KEITH ALLEN)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Frances Marie Dogan's representation that she anticipates filing the respondent's brief by August 9, 2012, counsel's request for an extension of time in which to file that brief is granted to August 9, 2012. After that date, no further extension is contemplated.

S096809

**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time denied

Appellant's request for a further extension of time to file the opening brief is denied.

S130524**PEOPLE v. GOVIN
(VIRENDRA)**

Extension of time granted

Good cause appearing, and based upon counsel Mark D. Lenenberg's representation that he anticipates filing the appellant's opening brief by November 2012, counsel's request for an extension of time in which to file that brief is granted to September 17, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S136800**PEOPLE v. MORALES
(ALFONSO IGNACIO)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel Diane E. Berley's representation that she anticipates filing the appellant's opening brief by November 1, 2012, counsel's request for an extension of time in which to file that brief is granted to September 4, 2012. After that date, only one further extension totaling about 60 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S166477**MUNGIA (JOHN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Christina Sandidge's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by July 23, 2012, counsel's request for an extension of time in which to file that document is granted to July 23, 2012. After that date, no further extension will be granted.

S203224

D057871 Fourth Appellate District, Div. 1

**SUNEVA MEDICAL, INC. v.
LEMPERLE (STEFAN M.)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to July 17, 2012.

S203972

G045855 Fourth Appellate District, Div. 3

**PEOPLE v. SHOKUR
(YUSSUF)**

Order filed

The time for granting review on the court's own motion is hereby extended to September 13, 2012. (Cal. Rules of Court, rule 8.512(c).)

S201584**CANDAUX ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID LEE CANDAU, State Bar Number 65382, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID LEE CANDAU must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201631**HORWITZ ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ERROL IVOR HORWITZ, State Bar Number 86098, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ERROL IVOR HORWITZ must make restitution to Steve Webster in the amount of \$4,200 plus 10 percent interest per year from September 1, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ERROL IVOR HORWITZ must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201632**EISMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DANIEL LAWRENCE EISMAN, State Bar Number 248617, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DANIEL LAWRENCE EISMAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201633**CUMMINGS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that THOMAS EDWIN CUMMINGS, State Bar Number 237925, is disbarred

from the practice of law in California and that his name is stricken from the roll of attorneys.

THOMAS EDWIN CUMMINGS must make restitution to Celeste L. Montoya in the amount of \$1,700, plus interest of 10 percent per year from November 28, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

THOMAS EDWIN CUMMINGS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201640**SIMMS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that QUENTIN BURNELL SIMMS, State Bar Number 153454, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

QUENTIN BURNELL SIMMS must make restitution to Jeannette Smith in the amount of \$1,614 plus 10 percent interest per year from February 11, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

QUENTIN BURNELL SIMMS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201644**STRINGFIELD ON
DISCIPLINE**

Recommended discipline imposed

The court orders that JAIME V. STRINGFIELD, State Bar Number 179846, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. JAIME V. STRINGFIELD is suspended from the practice of law for the first 30 days of probation;
2. JAIME V. STRINGFIELD must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 14, 2012; and
3. At the expiration of the period of probation, if JAIME V. STRINGFIELD has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAIME V. STRINGFIELD must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2013 and 2014. If JAIME V. STRINGFIELD fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S201649**SCHNAPP ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROGER HERBERT SCHNAPP, State Bar Number 102861, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

ROGER HERBERT SCHNAPP must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S201672**RODRIGUEZ ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROSEMARY RODRIGUEZ, State Bar Number 64529, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

ROSEMARY RODRIGUEZ must make restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles:

- a. Michael Okin in the amount of \$2,500 plus 10 percent interest per year from July 1, 2005;
- b. Ronald and Elaine St. Lawrence in the amount of \$1,865 plus 10 percent interest per year from November 4, 2006; and
- c. Murat Gokdemir and Natalie Galley-Gokdemir in the amount of \$320 plus 10 percent interest per year from February 24, 2006.

ROSEMARY RODRIGUEZ must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment.

S202968**MARSHALL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARLYS A. K. MARSHALL, State Bar Number 103271, as a member of the State Bar of California is accepted.

MARLYS A. K. MARSHALL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S202971**MEYER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL DAVID MEYER, State Bar Number 63550, as a member of the State Bar of California is accepted.

MICHAEL DAVID MEYER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S202973**PETERS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL PETERS, State Bar Number 135951, as a member of the State Bar of California is accepted.

MICHAEL PETERS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S202974**THOMSON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANDREW PETER THOMSON, State Bar Number 226102, as a member of the State Bar of California is accepted.

ANDREW PETER THOMSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S202975**TOMAC ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHERYL LINNETTE TOMAC, State Bar Number 108777, as a member of the State Bar of California is accepted.

CHERYL LINNETTE TOMAC must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S202977**WELCH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK JOSEPH WELCH, State Bar Number 142398, as a member of the State Bar of California is accepted.

MARK JOSEPH WELCH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203125**BERRY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VINCENT LEROY BERRY, State Bar Number 91942, as a member of the State Bar of California is accepted.

VINCENT LEROY BERRY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203126**EMLEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SHARON JOY EMLEY, State Bar Number 90906, as a member of the State Bar of California is accepted.

SHARON JOY EMLEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203127**JELLEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of EDWARD DAVID JELLEN, State Bar Number 50824, as a member of the State Bar of California is accepted.

EDWARD DAVID JELLEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203128**KAUFMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BETTY ANNE CHERRY KAUFMAN, State Bar Number 75576, as a member of the State Bar of California is accepted.

BETTY ANNE CHERRY KAUFMAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203129**HUNTING ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARGARET HAZEL HUNTING, State Bar Number 107523, as a member of the State Bar of California is accepted.

MARGARET HAZEL HUNTING must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203131**KAPLAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM M. KAPLAN, State Bar Number 41880, as a member of the State Bar of California is accepted.

WILLIAM M. KAPLAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203133**KUSHNER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES ALAN KUSHNER, State Bar Number 63677, as a member of the State Bar of California is accepted.

JAMES ALAN KUSHNER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203134**LADY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAYNE ERIN LADY, State Bar Number 268797, as a member of the State Bar of California is accepted.

JAYNE ERIN LADY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203135**LIPPS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANDREW LAWRENCE LIPPS, State Bar Number 63386, as a member of the State Bar of California is accepted.

ANDREW LAWRENCE LIPPS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S203136**LYMAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA A. JONES LYMAN, State Bar Number 93922, as a member of the State Bar of California is accepted.

PATRICIA A. JONES LYMAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

B231545

Second Appellate District, Div. 3

**WORKMAN (MARGARET) v.
KLAUSE (STEPHEN E.)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Two.

B234970

Second Appellate District, Div. 2

**DUMAS (JOSE) v. NISHIDA
(GARY)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Three.